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| 09/169,839      | 10/09/1998  | DEBBY HINDUS         | INT1P019            | 6129             |

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EXAMINER

HOLLOWAY III, EDWIN C

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2635

DATE MAILED: 06/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/169,839

Applicant(s)

HINDUS ET AL.

Examiner

Edwin C. Holloway, III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 October 1998.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6-9,11.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**EXAMINER'S RESPONSE**

1. In response to the application filed 10-9-98, the application has been examined. The examiner has considered the presentation of claims in view of the disclosure and the present state of the prior art. And it is the examiner's opinion that the claims are unpatentable for the reasons set forth in this Office action:

***Specification***

2. The disclosure is objected to because of the following informalities: The references to related applications should be updated to include serial number and status such as abandoned, and the patent number if allowed.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102 & 103***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2, 4-6, 7-10, 22, 27-28 and 30-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Richardson (US 5459458).

Richardson discloses a two way paging system as claimed. In view of page 8 of applicant's specification, "call back" in the message of Fig. 7, or any paging message corresponds to a presence signal. See the entire document.

5. Claims 1-2, 4-6, 7-10, 19-24, 27-28, 30-33 and 38-41 are rejected under 35 U.S.C. 102(b) as being anticipated by Will (US 5479408).

Will discloses a two way paging system as claimed. In view of page 8 of applicant's specification, the acknowledgments, responses, original messages, location tracking, or any paging message corresponds to a presence signal. See the entire document.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3, 23-24, 26 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richardson (US 5459458) or Will (US 5479408) as applied above and further in view of LaPorta (US 5959543) .

LaPorta discloses an analogous art two way paging system with group call message modification (abstract, col. 14) and it would have obvious to have included such in the Richardson or Will to provide a more advanced set of transaction services.

8. Claims 11, 14-16, 18 and 34-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richardson (US 5459458) or Will (US 5479408) as applied above and further in view of Segal (US 5644627) and Poland (US 5401947).

Segal discloses an analogous art two way paging system with indication by audible or voice message, visual LED or LCD, or tactile signal (cols. 4-5). Tactile is vibratory or haptic motion. Poland discloses an analogous art selective indicator with heated (thermochromic) liquid crystal ink markings printed on a display. It would have obvious to have included such indicators in the Richardson or Will to provide the user

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the convenience and flexibility of selecting from the various indicator modes and the heated LCD is suggested by Richardson indicating use of any well known visual display such as LCD in col. 7 and will showing LCD in col. 4A.

9. Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richardson (US 5459458) or Will (US 5479408) in view of Segal (US 5644627) and Poland (US 5401947).as applied above and further in view of Easterling (US 5651049).

Easterling discloses an analogous art paging system with a receivers embedded in objects such as stuffed animals and it would have been obvious to have included such in the combination applied above in order to relate the receiver to the corresponding user or message recipient.

10. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Richardson (US 5459458) or Will (US 5479408) in view of Segal (US 5644627) and Poland (US 5401947).as applied above and further in view of McLaughlin (US 4975694).

McLaughlin discloses an analogous art paging receiver with a multiple color LED or lamp indicator and it would have been obvious to have included such in the combination applied above in order to provide multiple indications with a single lamp.

11. Claims 15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richardson (US 5459458) or Will (US 5479408) in view of Segal (US 5644627) and Poland (US 5401947).as applied above and further in view of Park (US 5733131).

Park discloses an analogous art paging receiver with a mechanical control such as movement of the mouth of a stuffed animal (fig. 2) and telephone input to the paging

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system (fig. 1). It would have been obvious to have included such in the combination applied above in order to provide inexpensive educational and/or entertainment device.

12. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Richardson (US 5459458) or Will (US 5479408) as applied above in view of Shapira (US 5086394).

Shapira discloses an analogous art paging system with matched pairs and it would have been obvious to have included such match pairs in the combination applied above in order to provide introduction of users.

13. Claims 19-21 and 38-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Will (US 5479408) alone or in combination with Richardson (US 5459458).

Will discloses transceiver in figs. 4A-4C which is considered to be a picture frame because it holds a photo ID 46. This frame includes a touch sensitive switch or key 48. A relay station is shown in figs. 6A-6C and 8A-8B to include a picture frame discussed on pages 11-12, and if it is not clear that the transceiver is a with key 48 is a frame then it would have been an obvious various in location of parts or obvious integration of parts to have combined transceiver with key 48 and the picture frame for user input. It further would have been obvious to have included this frame in the system of Richardson in order to identify the user or to blend into the environment.

#### ***CONTACT INFORMATION***

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology center 2600 receptionist whose telephone number is **(703) 305-4700**.


Facsimile submissions may be sent via fax number (703) 872-9314 to customer

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service for entry by technical support staff. Questions regarding fax submissions should be directed to customer service voice line (703) 306-0377.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edwin C. Holloway, III whose telephone number is (703) 305-4818. The examiner can normally be reached on M-F (8:30:-5:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on (703) 305-4704.

EH  
6/3/02

  
EDWIN C. HOLLOWAY, III  
PRIMARY EXAMINER  
ART UNIT 2635